

7A Am. Jur. 2d Automobiles § 111

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Automobiles and Highway Traffic

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III. Licensing, Taxation, and Registration

B. Drivers or Operators

2. Persons Subject to License Laws

§ 111. Chauffeurs

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West's Key Number Digest

West's Key Number Digest, Automobiles  129

Chauffeurs generally are required to obtain special licenses in order to operate motor vehicles, such licenses being commonly referred to as "chauffeur licenses."¹

Unreasonable and arbitrary restrictions cannot be placed upon the right to obtain a public chauffeur's license,² but the fact that driving is necessary to a driver's employment does not render a state's automatic revocation system violative of due process for providing a hearing only after the revocation has taken effect.³

Definition:

The term "chauffeur" has both a restricted and a general meaning, and in the former sense it applies to persons driving motor vehicles principally for salary or compensation.⁴ It is this restricted meaning that generally has been adopted by the statutes in defining the term "chauffeur."⁵ As so defined, an employee who receives compensation principally for services other than the operation of motor vehicles is not required to obtain a chauffeur's license, although in performing such services the employee may incidentally operate a motor vehicle.⁶ Even under a statute that defines the term "chauffeur" to include every person operating a motor vehicle for hire or as an employee of the owner of the vehicle, it has been held that one who is not employed primarily as the driver of a motor vehicle, but merely operates a motor vehicle of the employer incidentally to the purposes of the employment, is not required to obtain a chauffeur's license.⁷

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Footnotes

1 Des Moines Rug Cleaning Co. v. Automobile Underwriters, 215 Iowa 246, 245 N.W. 215 (1932).

2 Miller v. Carter, 547 F.2d 1314 (7th Cir. 1977), judgment aff'd, 434 U.S. 356, 98 S. Ct. 786, 54 L. Ed. 2d 603 (1978) (a city ordinance that permanently bars a person convicted of certain felonies from obtaining a public chauffeur's license violates the Equal Protection Clause, as existing licensees do not automatically lose their licenses if convicted of a felony, which undercuts the reasonableness of the contention that a felon is *per se* likely to create a serious risk that cannot be sufficiently evaluated to protect the public through individualized hearings).

3 Burgess v. Ryan, 996 F.2d 180 (7th Cir. 1993).

4 As to prehearing revocations, generally, see §§ 147 to 151.

5 Amalgamated Ass'n of St. and Elec. Ry. and Motor Coach Emp. of America v. Morley, 219 Ark. 53, 239 S.W.2d 745 (1951); State v. Depew, 175 Md. 274, 1 A.2d 626 (1938).

6 Des Moines Rug Cleaning Co. v. Automobile Underwriters, 215 Iowa 246, 245 N.W. 215 (1932).

7 Des Moines Rug Cleaning Co. v. Automobile Underwriters, 215 Iowa 246, 245 N.W. 215 (1932); Matthews v. State, 85 Tex. Crim. 469, 214 S.W. 339 (1919).

7 State v. Depew, 175 Md. 274, 1 A.2d 626 (1938).

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